

**MONTANA DEPARTMENT OF MILITARY AFFAIRS
INFORMATION SHEET**

**SENATE BILL NO. 63
(CLARIFY MILITARY DEATH BENEFIT)**

**A BILL CLARIFYING PAYMENT OF THE STATE DEATH BENEFIT TO
BENEFICIARIES OF MEMBERS OF THE MONTANA NATIONAL GUARD WHO DIE
IN THE LINE OF DUTY WHILE ON STATE DUTY FOR SPECIAL WORK**

INTENT

SB 63 will amend Section 10-1-1201 (Death while on state duty – death benefit payment – certification – rules), MCA, to clarify that the State sponsored \$50,000.00 military death benefit covers a MT National Guard (“MTNG”) member who dies while performing State duty under either Article VI (Executive), Section 13 (Militia), of the Constitution of the State of Montana, or Section 10-1-505 (State duty for special work – definition), MCA.

The State sponsored \$50,000.00 military death benefit was created by the MT legislature in 2007. The 2007 MT legislature enacted Section 10-1-1201, MCA, with the intent to provide a traditional military death benefit in recognition of the military service rendered by a MTNG member who dies while performing State military duty. Section 10-1-1201, MCA, provides that a payment to an eligible beneficiary is statutorily appropriated, as provided in Section 17-7-502, MCA, from the general fund to the department of administration.

While Section 10-1-1201, MCA, does provide a death benefit payment for MTNG member who dies while performing State military duty pursuant to the authority granted under the MT Constitution (“State Active Duty”), it does not provide a death benefit payment for a MTNG member who dies while performing State military duty pursuant to Section 10-1-1201, MCA (“State Duty for Special Work”).

CONCLUSION

SB 63 amends Section 10-1-1201 (Death while on state duty – death benefit payment – certification – rules), MCA, to clarify that the State sponsored military death benefit will cover a MT National Guard member who dies while performing either of the two (2) types of State military duty.

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